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Honorable Jessica Allen  
United States District Court Magistrate Judge  
Martin Luther King Building  
& U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

December 18, 2023 *Via Email and ECF Filing.*

Re: Jorjani v. NJIT, et al.  
Civil Case No. 18-cv-11693

Dear Judge Allen:

This office, along with that of the Law Office of Patrick Trainor, represents Plaintiff in the above captioned matter.

We respond to Defense Counsel's letter at DKT. 165 regarding the belated attempt to depose Plaintiff's economic expert.

On December 7<sup>th</sup> Defense Counsel served on Mr. Kelly only a Notice of Deposition for Plaintiff's economic expert (Professor Michael Bond) for deposition on December 15<sup>th</sup>. That is a mere eight days' notice at an extremely busy time of the year. In fact, Professor Bond is and was unavailable because he is traveling through the end of the year. (It transpires that Professor Bond himself may never have been served until Sunday, December 10<sup>th</sup>. )

The FRCP permits deposition on reasonable written notice. FRCP 30(b). A mere eight

days notice at the end of December when most people, including the undersigned, are anticipating Christmas and New Years' is simply not reasonable; nor is Sunday service of notice; nor is five days' notice. Indeed, deadlines for an appeal took almost all of Mr. Kelly's time that week, including all business hours and more on December 15<sup>th</sup>.

Per your order at DKT. 156, all discovery is set to close. Indeed, pursuant to that same order, it is already too late for Defendants to attempt to embroil the court in yet another discovery dispute.

This matter has lingered long enough. We ask that you disregard Defense Counsel's belated attempt to prolong matters and rather schedule us for a pre-motion conference for summary judgment.

Kindly note that Mr. Kelly's office will be closed fmo December 25<sup>th</sup> through January 6<sup>th</sup> in honor of the Twelve Days of Christmas. It will re-open on Monday, January 8, 2024.

Opposing Counsel is be copied on this correspondence via the Court's ECF system.

We thank you for your time and attention herein, Wish You a Merry Christmas, and remain

Very truly yours,

/s/Frederick C. Kelly  
Frederick C. Kelly, Esq.  
*Attorney for Plaintiff – Pro Hac Vice*

/s/Patrick Trainor  
Patrick Trainor, Esq.  
*Local Counsel for Plaintiff*

cc: Marc Haefner co-counsel for Defendants